

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ONOFRIO POSITANO,

Plaintiff,

v.

THERESA DALBALSO, et al.,

Respondent.

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Civil Action No. 3:16-CV-1570

(Judge Kosik)

ORDER

AND NOW, THIS 17th DAY OF OCTOBER, 2016, IT APPEARING TO THE COURT
THAT:

[1] On August 17, 2016, Magistrate Judge Martin C. Carlson issued a Report and Recommendation (Doc. 11), recommending that Plaintiff's Complaint be dismissed with respect to Defendants Wetzel, DalBalso, Steinhart, Jacobson, and Minarchick, without prejudice, to Plaintiff endeavoring to correct the defects as mentioned in the Report. The Magistrate Judge further recommended that Plaintiff be directed to file a more definite statement of any ADA claim against Defendant Flores;

[2] Plaintiff has not filed any objections to the Report and Recommendation;

[3] On August 29, 2016, Plaintiff filed a motion for extension of time to amend the complaint (Doc. 13);

[4] This Court granted that motion on September 12, 2016 (Doc. 14);

[5] On October 12, 2016, Plaintiff filed an Amended Complaint (Doc. 15);

AND, IT FURTHER APPEARING THAT:

[6] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); and

[7] We have considered the Magistrate Judge's report, and we concur with his recommendations.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated August 17, 2016 (Doc. 11) is **ADOPTED**; and,

[2] Plaintiff's Amended Complaint (Doc. 15) will be screened forthwith.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge